UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,931	10/20/2003	Paul Sung	15436.98.1	4863

22913 7590 06/26/2007

WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

EXAMINER	
CHERRY, STEPHEN J	
ART UNIT	**PAPER NUMBER**
2863	

MAIL DATE	DELIVERY MODE
06/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/689,931	SUNG, PAUL	
	Examiner	Art Unit	
	Stephen J. Cherry	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *36-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *36-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6-11-2007 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 36-44, 48-51 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,571,191 to York et al.

Regarding claim 36, York discloses a method comprising: performing a procedure on a component so as to generate calibration data concerning the component ('191, col. 4, line 57);
transmitting the calibration data to an external storage source over a distributed network ('191, fig. 1 depicts network, and fig. 6, ref. 36); receiving a message over the distributed network concerning an error detected in the calibration data ('191, fig. 6, 36, information received by ref. 15); and
informing an operator of a calibrating device of the error detected in the calibration data ('191, col. 10, line 10).

Regarding claim 37, and in view of the rejection of claim 36, York discloses a method, further comprising storing, at the calibrating device, the calibration data ('191, col. 6, line 18).

Regarding claim 38, and in view of the rejection of claim 36, York discloses a method, further comprising storing the calibration data in an archive storage device ('191, col. 6, line 18).

Regarding claim 39, and in view of the rejection of claim 36, York discloses a method, further comprising temporarily storing the calibration data in a file ('191, col. 6, line 18).

Regarding claim 40, and in view of the rejection of claim 39, York discloses a method, wherein transmitting the calibration data to an external storage source over the distributed network comprises transmitting contents of the file to a database over the distributed network, the transmitting of the file contents being performed in accordance with predetermined criteria ('191, col. 6, line 18).

Regarding claim 41, and in view of the rejection of claim 36, York discloses method, wherein transmitting the calibration data to an external storage source over the distributed network comprises transmitting the calibration data to a database ('191, col. 6, line 18).

Regarding claim 42, and in view of the rejection of claim 36, York discloses a method, wherein the operator is informed of the error in real time ('191, col. 10, line 10, since procedure of figure 6 is performed by computer 12, and no delay step is disclosed, operation is inherently of sufficient speed to be considered in real time with respect to process taking place).

Regarding claim 43, and in view of the rejection of claim 36, York discloses a method, wherein receiving a message over the distributed network concerning the error detected in the calibration data comprises receiving instructions pertaining to steps that

the operator should follow to correct the error in the calibration data ('191, col. 10, line 14).

Regarding claim 44, and in view of the rejection of claim 36, York discloses a method, wherein informing an operator of the calibrating device of the error detected in the calibration data comprises visually displaying the message to the operator of the calibrating device ('191, col. 10, line 25).

Regarding claim 48, York discloses a method performed by a network device communicatively connected to one or more calibrating devices and a storage source within a distributed network, the method comprising:
accessing calibration data stored in the storage source corresponding to the one or more calibrating devices ('191, fig. 6, ref. 82);
identifying one or more errors in the calibration data corresponding to one of the calibrating devices ('191, fig. 6, ref. 88); and
transmitting a message to an operator of the calibrating device corresponding to the one or more errors ('191, col. 10, line 23).

Regarding claim 49, and in view of the rejection of claim 48, York discloses a method of claim 48, wherein transmitting a message to an operator of the calibrating device comprises transmitting instructions pertaining to steps that the operator of the

calibrating device should follow to correct the one or more errors in the calibration data ('191, col. 10, line 13, correction steps described that are performed by computer under operator control).

Regarding claim 50, and in view of the rejection of claim 48, York discloses a method, wherein identifying one or more errors in the calibration data comprises:
searching the calibration data for components which have skipped a required procedure ('191, col. 10, line 12, data evaluated for being "not in" the data); and
evaluating the calibration data to determine if a particular component has been improperly calibrated ('191, col. 10, line 12, data evaluated for being "corrupt" data, which would detect improper calibration).

Regarding claim 51, and in view of the rejection of claim 48, York discloses a method, wherein searching the calibration data for components which have skipped a required procedure comprises:
analyzing the calibration data to determine procedures required to be performed by the calibration device upon the components ('191, col. 10, line 52); and
determining if any of the required procedures are missing for any of the components ('191, col. 10, line 57).

Claims 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,360,179 to Reep.

Regarding claim 45, Reep discloses a method for managing data, the method comprising: over a distribution network comprising a plurality of calibration devices ('179, fig. 2, including ref. 2), obtaining calibration data from each calibration device and temporarily archiving the calibration data locally at each calibration device ('179, col. 7, line 15, data sent from 17 to 18),

receiving, over the distributed network, the calibration data from one or more of the plurality of calibrating devices ('179, col. 7, line 15, data received by 18);

storing the calibration data received from the one or more calibrating devices in a database such that the calibration data is organized in a standard format that can be compared with other calibration data ('179, col. 8, line 54, data to be sent to sensors); and

enabling the calibration data to be accessed by one or more network devices of a global network ('179, col. 8, line 59).

Regarding claim 46, and in view of the rejection of claim 45, Reep discloses a method, further comprising transmitting a message to one of the calibrating devices ("179, col. 7, line 57).

Regarding claim 47, and in view of the rejection of claim 45, Reep discloses a method, wherein calibration data is received concurrently from a plurality of the calibrating devices ('179, col. 7, line 15, "sensors", 17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,571,191 to York et al in view of Horowitz and Hill.

Regarding the claims, York discloses a method comprising:

accessing calibration data stored in the storage source corresponding to the one or more calibrating devices ('191, fig. 6, ref. 82);

identifying one or more errors in the calibration data corresponding to one of the calibrating devices ('191, fig. 6, ref. 88); and

transmitting a message to an operator of the calibrating device corresponding to the one or more errors ('191, col. 10, line 23).

However, York does not explicitly disclose filtering or deleting unused data.

Horowitz and Hill disclose filtering data through an analog to digital conversion process, and deleting the data on buffer when new data is present and old data is no longer useful (Horowitz and Hill, page 637).

Thus, it would have been obvious to one of ordinary skill in the art to combine the invention of York with the data conversion of Horowitz and Hill to allow the exhaust manifold data of York ('191, col. 10, line 19) to be transmitted to the ECM of York.

Response to Arguments

Applicant's arguments filed 6-11-2007 have been fully considered but they are not persuasive.

Applicant argues that York does not teach transmitting an error message **regardless** of whether the error cannot be corrected; however, this limitation is not in the claim. The claim describes informing an operator, and, under particular conditions, this is performed by York, thereby anticipating the claimed limitation.

Applicant's arguments with respect to claim 45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (571) 272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJC

John Barlow
Supervisory Patent Examiner
Technology Center 2800